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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kim Powell

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ORACLE C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

EXAMINER

DASS, HARISH T

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/912,848	Applicant(s) POWELL ET AL.	
	Examiner Harish T. Dass	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/8/08 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 are rejected under 35 U.S.C. § 101 based on Supreme Court precedent, and recent Federal Circuit decisions, a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876). The process steps in claims (1-19) are not tied to another statutory class nor do they execute a transformation. Thus, they are non-statutory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Alaia et al (hereinafter Alaia – US 20020046148) in view of Langseth et al. (hereinafter Langseth US 6,671,715) and Parsons et al. (hereinafter Parsons – US 6,871,214) and Wang et al. (hereinafter Wang - US 6,018,343).

Re. Claim 1, Alaia discloses b) conducting an auction wherein bid information received from the remote bidders is compared to determine a bid status and wherein the bid status is used to determine the bid status updates for the remote bidders [Figures 6A-9B, para. 0026, 0030-0034, 0040], c) disseminating the bid status updates to the remote bidders via the distributed computer network in accordance with the update configuration information [Figures 6A-6D and associated paragraph page 1, para. 0069-0072], and d) designating an auction winner at the conclusion of the auction in accordance with a most competitive bid of the bid status [para. 0137, 0158].

Alaia does not explicitly disclose receiving update configuration information from remote bidders via a distributed (broadcast) computer network, the update configuration information for receiving bid status updates and user selectable update and user selectable time. However, Langseth disclose [Abstract; Figure 2A; col. 3 lines 12-21;

col. 5 lines 35-55; col. 11 lines 27-30; col. 13 lines 40-47] to allow a subscriber (user) a personalized service and receiving timely financial service content. It is known that stocks are auction and bided by the traders on exchange and the price/volume (status) is feed back to the traders and public. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and include receiving update configuration information from remote bidders via a distributed computer network, the update configuration information for receiving bid status updates (stock price), as disclosed by Langseth, to provide customized financial information/alert at a right time based on the users preference.

Parsons discloses including a time interval for receiving alerts (preconfigured or dynamically configured by the user to send only messages at certain time interval_) [abstract; col. 6 line 18 to col. 8 line 2]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and Langseth and include a time interval for receiving alerts, as disclosed by Parsons to send only messages at certain time intervals, hence the user is not overwhelmed by the alerts.

Wang discloses web calendar and user selectable update and user selectable time [Abstract; col. 6 line through col. 7 line 35]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia, Langseth and Parsons and include user selectable update and user selectable time, as disclosed by Wang to send only messages updates (birthday

notification, upcoming meeting) to user at user's selectable time at certain time intervals, hence the user is alerted (trigger) when scheduled time approaches.

Re. Claim 2, Alaia discloses accessing a specification for an item for the auction, the specification for the item provided by the seller [para. 0007, 0008-0009, 0074, see buyer-bidding auction].

Re. Claim 3, Alaia discloses specifying initial conditions for the auction, the initial conditions including an allotted time for the auction [para. 0091, 0142, and 0181].

Re. Claim 4, Alaia discloses 4. The method of Claim 1 further including the step of: selecting the time interval for the update configuration information by using a graphical user interface of a browser [Figure 3 # 10 & #30, para. 0008, 0026, 0174 – priceline website inherent GUI of a browser].

Re. Claim 5, Alaia discloses wherein the time interval for the update configuration information allows the remote bidders to receive the bid status updates automatically in accordance with the time interval [Figures 6A-9B, para. 0026, 0030-0034, 0037, 0040].

Re. Claim 6, Alaia discloses adjusting the time interval for the update configuration information dynamically as the auction is conducted [para. 0100-0102].

Re. Claim 7, Alaia discloses changing a specification for the item for the auction dynamically as the auction is conducted [para. 0055-0056, 0124], and disseminating the changed specification for the item to the remote bidders via the distributed computer network in accordance with the update configuration information [para. 0026, 0027, 0030].

Re. Claim 8, Alaia discloses storing the update configuration received from the remote bidders at an exchange server host to enable the providing of the bid status to the remote bidders [para. 0026-0027, 0100].

Re. Claim 9, Alaia discloses wherein the distributed computer network is the Internet [para. 026].

Re. Claim 10, Alaia discloses a) accessing a specification for items for the auction [para. 0007-0009, 0074, see database to get information],
b) accessing initial conditions for the auction, the initial conditions including an allotted time for the auction [para. 0091, 0142, 0181], d) conducting an auction wherein bid information received from the remote bidders is compared to determine a bid status and wherein the bid status is used to determine the bid status updates for the remote bidders [Figures 6A-9B, para. 0026, 0030-0034, 0040], e) disseminating the bid status updates to the remote bidders via the distributed computer network in accordance with the update configuration information [Figures 6A-6D and associated paragraph page 1, para. 0069-0072], and

f) designating an auction winner at the conclusion of the auction in accordance with a most competitive bid of the bid status [para. 0137, 0158].

Alaia does not explicitly disclose receiving update configuration information from remote bidders via a distributed computer network, the update configuration information for transmitting bid status updates to the remote bidders. However, Langseth disclose [Abstract; Figure 2A; col. 3 lines 12-21; col. 5 lines 35-55; col. 11 lines 27-30; col. 13 lines 40-47] to allow a subscriber (user) a personalized service and receiving timely financial service content. It is known that stocks are auction and bided by the traders on exchange and the price/volume (status) is feed back to the traders and public. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and include receiving update configuration information from remote bidders via a distributed computer network, the update configuration information including a time interval for receiving bid status updates (stock price), as disclosed by Langseth, to provide customized financial information/alert at a right time based on the users preference.

Parsons discloses including a time interval for transmitting alerts (preconfigured or dynamically configured by the user to send only messages at certain time interval_) [abstract; col. 6 line 18 to col. 8 line 2]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Alaia and Langseth and include a time interval for receiving alerts, as disclosed by Parsons to send only messages at certain time intervals, hence the user is not overwhelmed by the alerts.

Re. Claim 11, Alaia discloses receiving the time interval for the update configuration information from a graphical user interface of a browser on a client machine [Figure 3 # 10 & #30, para. 0008, 0026, 0027, 0030, 0174 – priceline website inherent GUI of a browser].

Re. Claim 12, Alaia discloses wherein the time interval for the update configuration information causes the server to transmit the status updates to the remote bidders automatically in accordance with the time interval [Figures 6A-9B, para. 0026, 0030-0034, 0037, 0040].

Re. Claim 13, Alaia discloses adjusting the time interval for the update configuration information dynamically as the auction is conducted [para. 0100-0102].

Re. Claim 14, Alaia discloses changing a specification for an item for the auction dynamically as the auction is conducted [para. 0055-0056, 0124], and disseminating the changed specification for the item to the remote bidders via the distributed computer network in accordance with the update configuration information [para. 0026, 0027, 0030].

Re. Claim 15, Alaia discloses storing the update configuration received from the remote bidders at an exchange server host to enable the providing of the bid status to the remote bidders [para. 0026-0027, 0100].

Re. Claim 16, Alaia discloses wherein the distributed computer network is the Internet [para. 026].

Re. Claim 17, Alaia discloses accessing a specification for an item for the auction, the specification for the item provided by the buyer [para. 00017, 0007-0009, 0074].

Claim 18 is rejected with same rational as claim 1, 6-7.

Claim 19 is rejected with same rational as claim 15.

Response to Arguments

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Note: Examiner made a phone call to attorney 7/18/08 for possibility of examiner's amendment to speed up the prosecution, but the attorney was not available.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harish T Dass/
Primary Examiner, Art Unit 3692

7/20/08